

WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF  
THE IMMIGRATION AND NATIONALITY ACT IN  
BEHALF OF CERTAIN ALIENS

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MARCH 6, 1958.—Committed to the Committee of the Whole House and ordered  
to be printed

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Mr. HYDE, from the Committee on the Judiciary, submitted the  
following

R E P O R T

[To accompany H. J. Res. 553]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 553) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, report favorably thereon with amendments and recommend that the joint resolution do pass.

The amendments are as follows:

- On page 2, strike out all of section 3, lines 13 through 20.
- On page 2, line 21, strike out "Sec. 4." and substitute "SEC. 3."
- On page 3, line 4, strike out "SEC. 5." and substitute "SEC. 4."
- On page 3, line 12, strike out "Sec. 6." and substitute "SEC. 5."

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of four persons. The joint resolution has been amended to delete one section of the resolution.

GENERAL INFORMATION

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of private calendars on the floor of the House, has decided to include the names of several beneficiaries of pending bills in one joint resolution, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

Section 1 of the joint resolution waives the provision of section 212 (a) (22) of the Immigration and Nationality Act in behalf of one person who was the subject of H. R. 2703, by Mr. Nicholson. This section also contains a proviso that nothing in the act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

Section 2 of the joint resolution waives the provision of section 212 (a) (6) of the Immigration and Nationality Act, insofar as it relates to aliens afflicted with tuberculosis, in behalf of one person who was the subject of H. R. 3151, by Mr. Healey.

Section 3 of the joint resolution, as amended, waives the provision of section 212 (a) (3) of the Immigration and Nationality Act in behalf of one person who was the subject of H. R. 3156, by Mr. Healey.

Section 4 of the joint resolution, as amended, waives the provision of section 212 (a) (1) of the Immigration and Nationality Act in behalf of one person who was the subject of H. R. 3575, by Mr. Ray.

Sections 2, 3, and 4 of the joint resolution, as amended, all contain provisos that suitable and proper bonds be posted as surety that the beneficiaries will not become public charges.

Section 5 of the joint resolution, as amended, is standard language included in resolutions of this type, limiting the exemptions provided for in the resolution to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of the act.

The pertinent facts in each case are printed below in the order in which the names of the beneficiaries appear in House Joint Resolution 553, as amended.

*H. R. 2703, by Mr. Nicholson—Nino H. Treichler*

The beneficiary is a 29-year-old native of Switzerland who is the husband of a United States citizen. He was admitted to the United States for permanent residence in 1953 but is ineligible to reenter the United States because he requested an exemption from military service as an alien in 1954. He is a textile engineer and is now employed as a salesman in Switzerland, where he resides with his wife.

The language of the joint resolution relating to this beneficiary includes a proviso that nothing in the act shall be held to waive the provisions of section 315 of the Immigration and Nationality Act in behalf of this beneficiary.

The pertinent facts in this case are contained in a letter dated November 18, 1957, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE.

*Washington, D. C., November 18, 1957.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2703) for the relief of Nino H. Treichler, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigra-

tion and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are ineligible to citizenship, or persons who have remained outside the United States to avoid or evade training or service in the Armed Forces in time of war or a period declared by the President to be a national emergency, and would provide that the alien may be issued a visa and admitted to the United States for permanent residence if he is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE NINO H. TREICHLER,  
BENEFICIARY OF H. R. 2703

Information concerning this case was taken from the files of this Service and from Mr. and Mrs. Alphonse D. Raymond, the parents of the beneficiary's wife, who are the sponsors of the bill.

The beneficiary, whose full name is Nino Hans Treichler, a native and citizen of Switzerland, was born on May 27, 1928, in Wadenswil, Canton of Zurich. He married Marion Hazel Raymond, a native and citizen of the United States, on April 2, 1955 in Fairhaven, Mass. They have no children. He lives with his wife at 24 Langwallstrauss, Zollikoberg, Switzerland, and is employed as a salesman by the Altmann Cashmere Co., Zurich, Switzerland. He receives a weekly salary equivalent to about \$250 in American currency, plus expenses. The family assets are unknown.

The beneficiary's education consists of primary and high school in his native country, attendance at a commercial college in Zurich, Switzerland, for 3 years, and attendance at a textile college in Lyon, France, for 1 year. He received a diploma from each of the colleges he attended.

Mr. Treichler's only entry into the United States was at the port of New York on June 16, 1953, at which time he was lawfully admitted for permanent residence. While in the United States he lived in New York City and was employed as a textile engineer by the Bernson Silk Mills, Inc., 444 Fourth Avenue, New York, N. Y. He registered for military service under the Universal Military Training and Service Act, as amended, on December 29, 1953, with local Board No. 14, 2565 Broadway, New York, N. Y., and on January 7, 1954, he was placed in class 1-A. On January 25, 1954, his local board notified him to appear on February 11, 1954, for a physical examination and on that date he was found acceptable for service. On April 5, 1954, an order was mailed to him which directed that he report for induction into the Armed Forces on April 27, 1954.

The beneficiary wrote to his local board on April 6 and April 20, 1954, requesting exemption from military service as a treaty alien. On April 8, 1954, the Legation of Switzerland, Washington, D. C., requested the Department of State to exempt the beneficiary from military service on the basis of the Treaty of Friendship and Commerce concluded between the United States and Switzerland on November 25, 1850, since he was a Swiss national. The Department of State approved this request on April 9, 1954, and notified the National Headquarters of the Selective Service System of the approval. On April 16, 1954, the beneficiary's local board received a request for his exemption as a treaty alien from the Legation of Switzerland, Washington, D. C.

During April 1954 his local board advised Mr. Treichler in writing on three occasions of the provisions of section 315 of the Immigration and Nationality Act which provides that "Notwithstanding the provisions of section 405 (b), any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces or in the National Security Training Corps of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such ground, shall be permanently ineligible to become a citizen of the United States." On April 29, 1954, the beneficiary was placed in class 4-C on the basis of his request for exemption as a treaty alien. On July 15, 1954, he was placed in class 5-A as over the age of liability for induction.

On October 2, 1955, the beneficiary left the United States and went to Switzerland to live and work at the request of his father who wanted him to operate textile mills in France and Switzerland which his father owned. His wife, who accompanied him to Switzerland, was aware before their marriage of her husband's plans to go to Switzerland and work for his father. It is alleged the beneficiary asked for exemption from service in our Armed Forces as a treaty alien because induction would interfere with his plans to return to Switzerland to operate his father's textile mills as his only reason for coming to this country in the first place was to gain experience in the textile industry.

The sponsors have stated that the beneficiary left his father's employ because of discord and began working for his present employer in 1956. They further stated the beneficiary had been offered a position in the United States by the company for whom he works as they have a firm in New York, N. Y., and after this offer, Mr. Treichel decided he wanted to return to the United States. The sponsors further stated the beneficiary had applied for an immigrant visa at the United States Consulate in Zurich, Switzerland, in the latter part of 1956 but was found ineligible to receive a visa and they believed the reason was due to his exemption from service in our Armed Forces. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary has been a member of the armed forces of Switzerland since February 9, 1948. He is presently a



reserve officer in the Swiss Army and is required to attend an encampment for 2 weeks each year and in the event he fails to attend he must pay the Government for being absent.

Mr. and Mrs. Alphonse D. Raymond, natives and citizens of the United States, live at 21 Summer Street, Fairhaven, Mass. Mr. Raymond was born on May 1, 1890, and Mrs. Raymond, nee Hazel Berry, was born on June 9, 1901. They were married on August 24, 1929, in Dedham, Mass. The beneficiary's wife, who was born in Fairhaven, Mass., on June 20, 1930, is their only child. Mr. Raymond is retired and Mrs. Raymond is a teacher in the Junior High School of Fairhaven, Mass. They own the home in which they live and have other assets of considerable value.

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,  
Washington, June 25, 1957.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

DEAR MR. CELLER: I refer to your letter of April 18, 1957, requesting a report in the case of Nino H. Treichler, beneficiary of H. R. 2703, 85th Congress, introduced by Mr. Nicholson on January 10, 1957.

A report dated May 22, 1956, was received from the consulate general at Zurich, Switzerland, indicating that Mr. Treichler was found to be ineligible to receive a visa under section 212 (a) (22) of the Immigration and Nationality Act as a person who claimed exemption from American military service, under section 1622.42 of the Selective Service Regulations and who became ineligible for citizenship under section 315 (a) of the Immigration and Nationality Act.

The Department has no knowledge of any other factor in the case which would render Mr. Treichler ineligible to receive an immigrant visa.

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

Mr. Nicholson, who appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, submitted the following letter in support of his bill:

FAIRHAVEN, MASS., April 6, 1956.

Hon. DONALD W. NICHOLSON,  
*House Office Building, Washington, D. C.*

HONORABLE SIR: An immigration problem has arisen in my family for which we desire to have some help. The letters enclosed are copies or excerpts of letters sent to us by our daughter in order to help us in giving the necessary information which might help her and her husband, a citizen of Switzerland.

Our son-in-law, Nino H. Treichler, was working in New York City when the induction notice was given to him for service in the United States Army. He wanted to become a citizen of this country but had planned to go back to Switzerland in 1955 to work with his father in the textile business. He had served 2 years in the Swiss Army as an

officer, and asked for a dispensation on the basis of a Friendship Treaty with Switzerland. What he did not know was that he could have accepted the service draft and asked for a deferment of time so that he could have returned to this country, served his time with the Army, and still be able to apply for citizenship. That fact, together with the fact that the Swiss consulate did not know our draft laws, has made it impossible for my daughter and her husband to come back here to live.

The problem now is, our daughter and son-in-law want to come back to the United States to live permanently, but cannot obtain a visa in Switzerland. Our daughter, Marion Raymond Treichler, is a graduate of Boston University, C. L. A., and her husband is a college graduate and a textile engineer. He is willing to serve his required time in United States service, become a citizen, and can get his former job back anytime. He knows now that he took a step backward when he went back to Switzerland but, like all young people, he thought things would have progressed over there as they have over here. When he refused the service induction he did so because he thought he was going back to Switzerland to live permanently, not because he objected to serving our country in time of war or peace.

Could you find it in your power to do something which might enable the couple to return to this country permanently; it would be very much appreciated. This is our only child, and we pray, God willing, that she and her husband may be granted the privilege of returning to this great country of ours to live.

Any charges for your services or personal interviews will be promptly considered. The suggestion that you might be able to help us in this matter was offered by our friend, Mrs. Edna L. Borden of the Marion Grange.

Sincerely,

HAZEL B. RAYMOND.

ALPHONSE A. RAYMOND.

Present address: Nino H. Treichler, Mattacker Strausse 41, Zurich, Seebach, Switzerland.

#### EXCERPTS FROM LETTERS OF MY DAUGHTER

Nino applied for his immigration visa in Switzerland on December 1952. At this time he asked the American consulate in Zurich about the draft law in the United States, but they were unable to give him any definite information concerning it. As a result, he left for the United States the beginning of June and arrived on June 16, 1953 (having received his visa that April 1953) without knowing that the United States law required all immigrants under 26 to register with the draft board within 6 months after they have entered this country. He had just turned 25 that May 27, 1953, and had he had this information from the consulate, he would have waited 3 months, and he wouldn't have had to register with the draft board at all.

He registered with the draft board in New York on January 1954, actually waiting a little longer than the prescribed 6 months, on the advice of friends. In March 1954 he was

examined and on April 27, 1954, he was notified of his acceptance in the Army and ordered to report to Army headquarters in New York, exactly a month before he would have turned 26 and been ineligible for the draft. After his induction notice, he applied for a dispensation from the Army through the Swiss legation in Washington at the United States State Department. The dispensation was granted Nino on the basis of a Friendship Treaty between the United States and Switzerland, which states that "No Swiss citizen has to serve in the United States Army and no United States citizen has to serve in the Swiss Army."

On the advice of the Swiss legation in Washington Nino did not sign any form sent to him by the draft board, but sent a letter in its place. He was told if he signed the form, he would have signed a statement saying he had permanently forfeited his chances to become a citizen under the McCarran Act, and therefore if this act is changed or repealed he would be eligible again for citizenship and a new immigration visa.

*H. R. 3151, by Mr. Healey—Nachum Pfeifenmacher*

The beneficiary is a 41-year-old native of Poland who is stateless and resides in Germany with his wife and child. He was found inadmissible to the United States because of an affliction with tuberculosis. His wife and child were found eligible for admission to the United States for permanent residence under the Refugee Relief Act of 1953, as amended, but preferred to remain with the beneficiary until he could also immigrate to the United States. The beneficiary's father is a citizen of the United States as are two of his sisters. His mother is a lawfully resident alien and resides in this country.

The pertinent facts in this case are contained in a letter from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, dated September 18, 1956, regarding a bill then pending for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., September 18, 1956.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 11937) for the relief of Nachum Pfeifenmacher, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the issuance of a visa to the alien and his admission for permanent residence, if he is otherwise admissible under that act, under such conditions and controls which the Attorney General, after consultation with the

Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted this beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE NACHUM PFEIFEN-  
MACHER, BENEFICIARY OF H. R. 11937

Information concerning the case was obtained from Morris Pfeifenmacher, the beneficiary's father, who is the sponsor of the bill.

Nachum Pfeifenmacher, who now claims to be stateless, was born on December 6, 1916, in Czortkow, Poland. On December 1, 1952, he was married in Germany to Nechoma Dwoskina, a native and citizen of Russia. They reside in Munich, Germany, and have one child who was born in that city on August 21, 1953. The beneficiary is employed as a restaurant worker. His present income is unknown and it is believed that he has no assets. His only other close relatives are his mother who is a permanent resident of the United States and two sisters who are naturalized citizens of this country.

In February 1956, the United States consul at Munich, Germany, denied the alien's application for a visa to enter the United States after an examination disclosed that he was afflicted with tuberculosis.

Morris Pfeifenmacher was born in Poland on March 8, 1886. He and his wife were admitted to the United States for permanent residence on October 13, 1949, and he was subsequently naturalized a citizen of this country. The sponsor and his wife have no income or assets of their own and reside at 1691 Nelson Avenue, Bronx, N. Y., with their married daughter, Mrs. Erna Strenger. She and another married daughter, Mrs. Celia Schwartz, have provided for the support of their parents and are financially able to continue such support, and will also assist the beneficiary, if he is admitted to the United States, until such time as he is in a position to support himself and his family.

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,  
Washington, August 13, 1956.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: I refer to your letter of July 2, 1956, requesting a report of the facts in the case of Nachum Pfeifenmacher, the beneficiary of H. R. 11937, introduced by Mr. Healey on June 25, 1956.



A report dated August 1, 1956, has been received from the Consulate General at Munich, Germany, furnishing the following information regarding Mr. Pfeifenmacher:

"The above individual's X-ray file reveals that he received pneumothorax treatment of the left lung in 1949. Since that time there has been persistent disease remaining in the upper part of the left lung. Little change took place over a long period but activity of the disease was proven by a positive laboratory test in October 1955.

"Unfortunately, it appears that treatment has not been adequate and medical approval cannot be foreseen for a period of several years.

"Mr. Pfeifenmacher's X-rays were submitted in October of 1955 by a welfare agency with a view to the possibility of considering the family under the Refugee Relief Act and he was found to be ineligible under section 212 (a) (6) of the Immigration and Nationality Act because of his tuberculosis. At present Mr. Pfeifenmacher is registered under the oversubscribed Polish quota as of April 7, 1952.

"Mrs. Pfeifenmacher is registered under the Soviet quota as of the same date and their child is on the German quota. No X-rays for either of them have been submitted for consideration."

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

Mr. Healey, the author of H. R. 3151, submitted the following statement in support of his bill:

This bill would waive the provision of the Immigration Act which excludes from admission to the United States aliens who are afflicted with tuberculosis.

Your subcommittee held a hearing on this bill in June 1957, at which time I submitted a statement. Action was deferred, pending possible administrative remedy and eligibility under Public Law 316, 85th Congress. The beneficiary is not eligible under this new law, however.

This case is particularly unfortunate in that he and his wife and their child were first found eligible under the Refugee Relief Act. When Mr. Pfeifenmacher was found inadmissible, the wife and child preferred to remain and wait for him rather than come on to the United States. Now they, of course, cannot enter under Refugee Relief Act, which has since expired.

Beneficiary claims to be "stateless"; he was born December 6, 1916, in Poland; present registered under oversubscribed Polish quota as of April 1952. His wife is registered under the Soviet quota and their child under the German quota.

Although he has a parent (mother) who was admitted for permanent residence, and two sisters, both naturalized American citizens, he is not eligible under Public Law 316, 85th Congress, since he is over 21 years of age, etc.

All the family's close relatives are in the United States, and these relatives are able and eager to provide financially and otherwise for them upon their arrival here.

I first introduced this bill in 84th Congress, at the request of beneficiary's sister, Mrs. Erna Strenger, who lives in my congressional district. She and another sister (Mrs. Celia

Schwartz), also of New York, are prepared to take full responsibility upon their brother's arrival in this country. They say they are able to post the necessary bond and to otherwise give assurance that he will be given any needed medical care and hospitalization.

For the above reasons, I urge favorable action on H. R. 3151.

*H. R. 3156, by Mr. Healey—Samuel John Edgcombe*

The beneficiary is a 34-year-old British subject, born in the Bahamas, British West Indies, who resides in New York City with his mother, his wife and his two minor children by a previous marriage. All those members of his immediate family are citizens of the United States. The beneficiary was first admitted to the United States as a student in 1947 and was hospitalized because of a mental illness in 1948 and 1949, and was last admitted as an agricultural laborer in 1953, remaining beyond the authorized period.

The pertinent facts in this case are contained in a letter dated August 27, 1956, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary regarding a bill then pending for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., August 27, 1956.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 10918) for the relief of Samuel John Edgcombe, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have had one or more attacks of insanity, and would authorize the issuance of a visa to the alien and his admission for permanent residence, if he is otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE SAMUEL JOHN EDGE-  
COMBE, BENEFICIARY OF H. R. 10918

The beneficiary is a British subject, who was born in the Bahamas, British West Indies, on June 27, 1923. He resides at 630 East 170th Street, Bronx, N. Y., with his mother, his

wife, and his two minor children by a previous marriage which was annulled in 1953. All these members of the beneficiary's immediate family are United States citizens. Mr. Edgecombe is employed as a clerk in New York City and earns \$55 a week. His assets consist of \$1,300 in cash savings. His only other close relative is his father, a British subject, who has been confined at Dannemora State Hospital since 1942 because of insanity induced by alcoholism.

The beneficiary was admitted to the United States on December 31, 1947, as a student. He failed to attend any educational institution in this country and was confined at Pilgrim State Hospital, West Brentwood, N. Y., from April 1948 to June 1949 for treatment of a mental illness diagnosed as dementia praecox, catatonic type. He was subsequently found deportable on the ground that he had failed to maintain the exempt student status in which he had been admitted and effected his voluntary departure on August 19, 1953, pursuant to the order granting him that privilege.

The beneficiary last entered the United States at West Palm Beach, Fla., on December 8, 1953, when he was admitted as an agricultural worker to March 31, 1954. He received one extension to September 30, 1954. A warrant of arrest in deportation proceedings was issued on October 27, 1955, on the ground that after admission as a nonimmigrant agricultural worker he remained beyond the period authorized to him. He was found deportable on the warrant charge on January 10, 1956, and was granted voluntary departure with the alternative of deportation if he failed to depart voluntarily. On April 3, 1956, a warrant of deportation was issued.

The beneficiary's application for adjustment of status to that of a permanent resident under section 245 of the Immigration and Nationality Act was denied on March 29, 1955, on the ground that he was inadmissible to the United States as an alien who has had one or more attacks of insanity.

The Acting Director, Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,  
Washington, October 4, 1957.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: I refer to your letter of May 22, 1956, requesting a report in the case of Samuel John Edgecombe, beneficiary of H. R. 10918, 84th Congress, introduced by Mr. Healey on April 30, 1956. Reference is also made to the Department's reply of October 29, 1956.

A report received from the American consulate at Nassau states that recent information shows that the word "insane" appears on the Labor Office file containing Mr. Edgecombe's records, but that the Labor Office can give no explanation or details concerning the notation on Mr. Edgecombe's file. The report further states that Mr. Edge-

combe was recruited for work on December 5, 1953, and broke his contract, leaving his place of employment in Florida on July 10, 1954.

Sincerely yours,

FRANK L. AUERBACH,  
*Acting Director, Visa Office.*

Mr. Healey, the author of H. R. 3156, submitted the following statement and letters in support of his bill:

This bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who have had one or more attacks of insanity, etc.

Prior to adjournment last year this bill was placed on your subcommittee docket but was not reached for consideration.

Beneficiary, a British subject, was born in the Bahamas June 27, 1923. He was admitted to the United States December 1947 as student. He was confined at Pilgrim State Hospital, New York, from April 1948 to June 1949, and was subsequently found deportable on the ground that he had failed to maintain the exempt student status in which he had been admitted.

Beneficiary now resides in Bronx, N. Y. with his mother, wife and two children by a previous marriage which was annulled in 1953. All these members of his family are American citizens. Beneficiary is employed and takes good care of his family.

Beneficiary last entered United States on December 8, 1953, as an agricultural worker, to March 31, 1954. Received one extension to September 1954, and remained beyond period authorized. His application for adjustment of status to that of permanent resident under section 245 was denied in March 1955 on ground that he was inadmissible to the United States as an alien who has had one or more attacks of insanity.

Mr. Edgecombe is in good health, has steady employment, his family life is happy. His family would be uprooted and it would be a severe blow to all members of the family if this bill is not acted upon favorably and he is forced to depart from the United States.

I respectfully call the committee's attention to the attached statement from Mr. Edgecombe's physician, stating that he is in excellent health and mind.

Also attached is a statement from the beneficiary of the bill and his wife.

May I also call the committee's attention to a letter addressed to Chairman Celler from the Visa Office, State Department, under date of October 4, 1957 (which is already a part of the committee file), wherein it is stated: "A report received from the American consulate at Nassau states that recent information shows that the word "insane" appears on the Labor Office file containing Mr. Edgecombe's records, but that the Labor Office can give no explanation or details concerning the notation on Mr. Edgecombe's file."



SCARSDALE, N. Y., *February 12, 1957.*Hon. JAMES HEALEY,  
*Washington, D. C.*

DEAR SIR: Samuel Edgecombe of 630 East 170th Street, Bronx, N. Y., has been examined by me at intervals since 1954. I certify that he is of excellent health and mind.

MILTON ROBERTS, M. D.

MEMORANDUM FOR CONGRESSMAN JAMES C. HEALEY RE SAMUEL  
EDGECOMBE

This is a short résumé of condition as they exist today in our household.

I am well and steadily employed. My wife, who joins me in this sworn statement, is also employed.

Our children, and my wife considers our sons as hers, even though she is not their real mother, are now 10 years of age, attending school, and are good children, who respect their parents and teachers. They have a good home life, with a religious training, since my original plan was to become a theologian.

If I am deported, this homelife will be wrecked. My mother, who is not a young woman any more, and is an American citizen, will be heartbroken. My children, who are also American citizens, need a father and might become delinquents if their father is forcibly taken from them.

My wife, who is a good woman and good wife to me, a good daughter to my mother, and a good mother to my children, will lose a husband and friend.

There has been no indication that there is anything wrong with me, except the hospital record of 1948, which I still claim was a wrong diagnosis.

It is hoped and prayed for that a favorable decision will be reached in my case so that I can become a citizen of this country and feel a part of it, instead of constantly being in fear of deportation and separation from my family. My wife is also an American citizen.

SAMUEL EDGECOMBE.  
MATABELA EDGECOMBE.

Sworn to before me this 12 day of February 1958.

\_\_\_\_\_, *Notary Public.**H. R. 3575, by Mr. Ray—Caterina Mileto*

The beneficiary is a 30-year-old native and citizen of Italy, who was found inadmissible to the United States as one who is feeble-minded. She resides in an orphanage in Italy and is supported by her parents, United States citizens. The beneficiary also has three United States citizen brothers and sisters who reside in the United States.

The pertinent facts in this case are contained in a letter from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, dated May 22, 1957. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., May 22, 1957.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3575) for the relief of Caterina Mileto, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are feeble-minded, and would authorize the issuance of a visa to the alien and her admission for permanent residence if she is otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CATERINA MILETO, BENEFICIARY OF H. R. 3575

Information concerning this case was obtained from Mr. Giacomo Mileto, the beneficiary's father, who is the sponsor of the bill.

Giacomo Mileto and his wife, Anna Mileto, were born in San Ferdinando, Reggio Calabria, Italy, on November 21, 1900, and July 12, 1909, respectively. They are citizens and residents of the United States as are their three children, all of whom reside at 82 Grandview Avenue, Mariners Harbor, Staten Island, N. Y. Mr. Mileto's brother and two sisters are citizens and residents of Italy. The beneficiary was born on October 13, 1927, at San Ferdinando, Reggio Calabria, Italy. She is single and resides in her native town at the orphanage, Colonia Agricolo. The sponsor makes \$20 monthly remittances to the orphanage in Italy for the beneficiary's support. Mr. Mileto's wife and a minor son are dependent upon him for support. The other two children are gainfully employed and self-sustaining.

Mr. Mileto's first arrival in the United States occurred on September 21, 1922, and he became a naturalized United States citizen in 1934. He is employed as a calker-chipper for Bethlehem Steel, Mariners Harbor, Staten Island, N. Y., and earns \$2.45 per hour. His assets consist of \$1,000 in savings, \$5,000 in personal effects, a \$1,000 automobile, and a two-family house valued at \$17,000, free of any encumbrances.

The sponsor disclosed contents of a communication he received from the American consulate, Palermo, Italy, in 1947, advising him that his daughter, Caterina, was refused a visa on the ground that she was mentally defective. According to Mr. Mileto such disability does not exist. He stated that the beneficiary completed 4 years of elementary schooling and never required medical attention or hospitalization. He further stated that although the beneficiary is not gainfully employed she is considered to be a skillful embroiderer and is physically and mentally normal for her age. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection. Miss Mileto is the beneficiary of an approved visa petition according her fourth preference quota immigrant status.

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,  
Washington, June 11, 1957.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: I refer to your letter of February 27, 1957, requesting a report in the case of Caterina Mileto, beneficiary of H. R. 3575, 85th Congress, introduced by Mr. Ray on January 23, 1957.

A report dated April 19, 1957, has been received from the consulate general at Palermo, Italy, containing the following information regarding the case of Caterina Mileto:

"Miss Mileto is the beneficiary of an approved visa petition which entitles her to fourth preference status as the adult daughter of an American citizen, Mr. Giacomo Mileto. She holds a priority date under the fourth preference portion of the Italian quota waiting list of January 25, 1953, which is the date the visa petition was filed in her behalf.

"On April 10, 1956, Miss Mileto was found ineligible to receive a visa under the provisions of section 212 (a) (1) of the Immigration and Nationality Act, because of her mental condition. From the information contained in the files of the consulate general, there is no reason to believe that Miss Mileto would not be eligible to receive a visa under other aspects of the law, if the bill introduced in her behalf by the Honorable John H. Ray is enacted.

"As indicated above, however, Miss Mileto is a fourth preference applicant holding a priority date of January 25, 1953. Therefore, even if the private bill exempting her from the excluding provisions of section 212 (a) (1) were enacted and Miss Mileto were found otherwise eligible to receive a visa, it would not be possible to accord active consideration to her case for many years to come."

In view of the extended time before it will become possible for the consul to consider the visa application of Miss Mileto, even if H. R. 3575 is enacted on her behalf, you may wish to give consideration to amending the bill to permit prompt action to be taken in the case.

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

With reference to the last paragraph of the report of the Department of State, the committee is of the opinion that the beneficiary should be able to establish a priority registration date sometime during the year of 1947 since it appears that her application for a visa to enter the United States was first denied during that year.

Mr. Ray, the author of H. R. 3575, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, I respectfully request your committee's favorable consideration of H. R. 3575, which I introduced for the relief of Caterina Mileto, the daughter of Giacomo Mileto and his wife Anna Mileto. They are citizens and residents of the United States, as are their three children, all of whom reside at 82 Grandview Avenue, Staten Island, N. Y. The beneficiary was born on October 13, 1927, at San Ferdinando, Reggio Calabria, Italy. She is single and resides in her native town at the orphanage Colonia Agricola. Mr. Mileto makes \$20 monthly remittances to the orphanage for the beneficiary's support.

This bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who are feebleminded, and would authorize the issuance of a visa to the alien and her admission for permanent residence if she is otherwise admissible under that act.

Miss Mileto is the beneficiary of an approved visa petition which entitles her to fourth preference status as the adult of an American citizen.

Passage of this bill would, I think, be consistent with the announced policy of our Government to cement family ties. I hope the committee will approve this bill.

Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 553, as amended, should be enacted and accordingly recommends that it do pass.

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